

REPORT OF THE COMMITTEE ON LAW ENFORCEMENT AND CORRECTIONS

October 10, 2001

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Joseph Mario Moreno, Vice Chairman Peter N. Silvestri, Commissioners Jerry Butler, Allan C. Carr, Roberto Maldonado, Mike Quigley and Herbert T. Schumann. (7)

Absent: None.

Also Present: Commissioner Moran and Sutker; Zelda Whittler, Undersheriff; Jim Ryan, Director of Operations-Cook County Sheriff's Office; Patrick Driscoll, Chief, Civil Actions Bureau-Cook County State's Attorney's Office; Roberta Few, Assistant Deputy Director District 1-Illinois Department of Corrections; Kay Schroeder, Grant Coordinator-Judicial Advisory Council; Michael Mahoney, John Howard Association; Sandra Overberg, Legislative Coordinator-Cook County Board, Secretary's Office; and Judge Paul P. Biebel, Jr., Presiding Judge-Cook County Criminal Courthouse.

Ladies and Gentlemen:

Your Law Enforcement and Corrections Committee of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, October 10, 2001 at the hour of 11:00 A.M. in the Board Room, Room 569, of the County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has discussed and made the following requests for additional information for further consideration on the subject matter as follows:

Following the call of the meeting, Chairman Moreno stated the purpose of the meeting was to follow-up on information previously requested at the May 23, 2001 meeting regarding the increased population at the County Jail.

Chairman Moreno then gave a brief opening statement where he referenced correspondence, dated October 5, 2001, sent to various public safety agencies regarding the matter and follow-up questions from the last meeting. He asked the Secretary to include letters and all written testimony as attachments to the Committee's report. He also stressed the importance of keeping the discussion focused on the current issue and on gathering additional information for the Board that would assist

county officials and public safety agencies in finding solutions to alleviate the fiscal, legal and public safety impact resulting from the increased jail population.

Previous testimony provided by the Cook County Sheriff, Judicial Advisory County, John Howard Association, Illinois Prisoner Review Board and the Illinois Department of Corrections was reviewed. Chairman Moreno commented that the testimony suggested that recent increases in the jail population and overcrowding were due to the Illinois Department of Correction's (IDOC) aggressive parole enforcement policy, known as "Operation Windy City". He noted that the IDOC's new parole strategy mandates that state inmates arrested on a violation of parole be held in the county jail, without bond or the option to participate in alternative release programs, while they await parole hearings or the adjudication of any new charges. He said the Sheriff's testimony claimed that the State's new parole policy resulted in placing the cost of housing state inmates, who violate their parole agreement, solely on the County and increases the financial burden on the County's taxpayers. Chairman Moreno said the IDOC denies any state responsibility for the overcrowding problem and claims that the number of parole violators held has not increased since July 2000. However, Chairman Moreno noted that the committee has not received requested information from the IDOC to substantiate this claim.

Chairman Moreno also stressed the importance of keeping the Commissioners briefed on the jail's overcrowding situation, as it relates to: 1) the federal consent decree (Duran v. Sheahan); 2) the fiscal and legal impact on the County's public safety budget and criminal justice system; and, 3) public safety concerns recently raised in news articles. He stated it was his intention to provide a foundation of information from state and county agencies involved in the parole, court and corrections system that would assist in producing an agreed upon plan to proactively addresses the fiscal, legal and public safety concerns the county and its taxpayers are currently facing.

In closing, Chairman Moreno stated in order to accomplish the aforementioned goals the committee had a duty to: 1) ferret out the facts, in terms of funding through the county budget, responsible or effective public safety policies and programs; 2) find out if reimbursement for mandated county costs associated with housing state inmates and parole violators is available from the State of Illinois; and, 3) to protect the safety of the public while, at the same time, decreasing taxpayers' share of the costs in managing and servicing the largest courts and criminal justice system in the nation. In closing, he stressed the importance of maintaining cooperation between the various state and county public safety agencies in order to focus on finding recommendations to expedite parole hearings and the adjudication process.

The Chairman then proceeded to the first item on the agenda

1. Office of the Cook County Sheriff – Department of Corrections.

Chairman Moreno called on a representative from the Sheriff's Office to give a status report on the overcrowding situation at the Cook County Department of Corrections and to follow-up on information requested at the last meeting (ref. Attachment 1).

In regards to whether statutory provisions call for the State of Illinois to reimburse counties for costs associated with housing state inmates held in violation of their parole

agreement, Zelda Whittler responded that the Sheriff does believe the provisions are applicable to parole violators held in the county jail, as well as individuals detained without bail. The Undersheriff said the provisions should be used in a claim for reimbursement from the State on behalf of the county's taxpayers.

As to whether any other county has received reimbursement from the State for costs associated with housing state parole inmates or individuals held without bond, Ms. Whittler stated she would have to get back to the committee with any information since the Sheriff's staff is still researching the question.

Regarding the status of proposed solutions to alleviate overcrowding, Ms. Whittler stated that the Sheriff still believes the establishment of a special court to handle only parole violation cases is a viable solution. She also recommended opening a temporary state facility for parole violators. However, there has not been any fiscal commitment by the State and agreement by the Illinois Department of Corrections on these recommendations.

Ms. Whittler stated there are currently 10,947 inmates housed in Cook County Department of Correction facilities. She noted that 1,467 of these inmates are 'parole holds' and 55 of those have other warrants attached to the violations.

In response to Commissioner Moran's question regarding if the statute referenced in the Sheriff's written response would cover reimbursement for patient arrestee claims, Ms. Whittler stated it was her understanding that the Sheriff was speaking primarily to inmates with parole holds and those held without bond. However, she noted that counties are entitled to receive reimbursement for such claims under a different statutory provision.

Commissioner Moran asked Ms. Whittler if she could forward the statutory provision relating to counties reimbursement of patient arrestee claims. Ms. Whittler said she would get back to the Committee with this information.

In response to Chairman Moreno's question regarding the daily cost of housing a parolee inmate in the county jail, Ms. Whittler stated the set off for the county's expenses is \$50/day.

Chairman Moreno asked if the Sheriff's Office had prepared an estimated fiscal impact for costs due to the county from the State of Illinois for the timeframe between June 2000 through November 30, 2001. Ms. Whittler stated that in addition to parole violators the statute also applies to inmates held without bond and based on a preliminary one month sampling of 7783 inmates serving 155,345 days in the CCDOC, the Sheriff's Office estimates a \$6 million monthly or a projected annual cost of \$60 million to the County.

In response to Chairman Moreno's question regarding the daily cost of providing health care to inmates held in the County's correctional facilities, Ms. Whittler stated she did not have an accurate figure but estimated the cost at \$58 per day.

Referencing the most recent response in the Duran case, Commissioner Quigley asked if the Sheriff's Office was aware that the Cook County Juvenile Detention Center intends on transferring all 17 year old detainees to the Cook County Department of Corrections. The Commissioner asked the impact this would have on jail overcrowding? Ms. Whittler responded she was not prepared to address the issue. She said the issue might better be addressed by a representative of the State's Attorney's Office.

As a point of information, Commissioner Butler noted that the Cook County Department of Corrections already receives 17 year old offenders awaiting trial in the adult court system. He also made a brief observation stating that the addition of juvenile offenders in the jail is only a small piece of the problem. Ultimately, he said the problem is caused by a criminal justice system that is overburdened and out of control; and unless the Board gets its hands on the system, it will never get its hands on the finances.

Commissioner Quigley commented on the need to discuss changes relative to internal county policies that impact the jail population as well as the Board being better informed on such issues since they affect the County's budget.

In response to Chairman Moreno's question regarding if the Sheriff's Office maintains statistics on its inmates relative to the number of no bond detainees and the parole violator detainees, Ms. Whittler stated would have to get back to Chair with this information.

In response to Chairman Moreno's question regarding if the Sheriff's Office has been in touch with the County Treasurer's Office to begin the process of certifying the county's expenses to the Supreme Court as stipulated under the statutory provision, Ms. Whittler stated the office could not supply this information to the County Treasurer until the end of the County's fiscal year, November 30, 2001.

The Chairman asked that all requests for further information be submitted to the Chair for future consideration and that a copy be given to the Secretary to the Board's Office for the record:

Chairman Moreno requested that the Sheriff's Office provide a written fiscal impact detailing the county's costs associated with housing state inmates with 'parole holds' in the county's jail during fiscal year 2000 and 2001. He asked that the information include the number of days and persons detained on non-probational offenses where there was no option for bond or alternative release.

Chairman Moreno requested from the Sheriff's Office, an accurate written estimate of the daily costs associated with providing health care services to inmates in the Cook County Department of Corrections.

Chairman Moreno also requested that the Sheriff submit in writing his recommendations on possible solutions to alleviate the overcrowding situation in the Cook County Department of Corrections.

The Chairman then moved to second item on the agenda and asked members to hold questions on issues unrelated to the agenda until the end of the meeting.

2. Office of the Cook County State's Attorney – Civil Actions Bureau.

Chairman Moreno called on a representative of the Cook County State's Attorney's Office to provide information on the issue before the court and to follow-up on questions previously requested by the Committee (ref. Attachment 2).

Pat Driscoll provided the committee with a brief status report on the recent meeting with Judge Paul Biebel and various state, county and public safety agencies on the overcrowding issue as it relates to the parole hearing process and court adjudication of parole violators' cases. He noted the purpose of the meeting was to continue the discussion on a series of problems that impact the courts and correctional system throughout Illinois. He stated no agreements or recommendations were acted upon to expedite the parole hearing process or alleviate the court backlog. The next meeting was scheduled for November 2001.

On the issue of the inmates housed in the county's jail with parole holds, Mr. Driscoll noted as a point of information that the county no longer holds inmates arrested on technical violations. He stated that all parole holds cases currently held in the county jail represent new charges and must be approached in the same judiciary manner as any other new case placed on court's docket.

Mr. Driscoll stated that solutions to speed up the court process are difficult since each case must be handled on an individual basis. He said because of time constraints, each case must insure due process under the law, including the right to counsel and the right to a jury trial on any pending new criminal case.

On the issue of creating a specialized courtroom for parole violation cases, Mr. Driscoll stated that the proposed solution would not work. He said the State's Attorney's Office is improving its management of such cases and continues to expedite them as quickly as possible, but he noted there are no quick fixes applicable from a judiciary perspective to the overcrowding situation at the county jail.

In regards to the recent overcrowding situation at the Cook County jail and the affect on the Duran case, Mr. Driscoll stated that to date the plaintiffs' attorneys have not made any contempt request before the court. He said the State's Attorney's Office continues to work on a resolution with all the respective parties involved. He said the Board should have received the most recent report from the John Howard Association. He said the county will be responding to the court on the report and the next hearing will take place in November 2001.

In closing, Mr. Driscoll assured the committee that the State's Attorney's Office is making all attempts to comply with the decree and will keep the Board informed of any new information.

In response to Chairman Moreno's question regarding how many new cases annually are put on the docket representing inmates with parole holds, Mr. Driscoll stated there are currently 1467 on the books and 910 of those were issued in the last four months.

Based on these numbers, he projected that approximately 2700 parole hold cases are handled annually.

In response to Chairman Moreno's question regarding the number of prisoners whose cases have been resolved but who are sitting in the jail awaiting placement in a drug or rehabilitative program, Mr. Driscoll stated he did not have this information with him but believed Mr. Mahoney with the John Howard Association would have the best statistics. However, he commented that improving the coordination of bed space for inmates in the TASC program is a short-term solution to reducing the jail overcrowding.

In response to Chairman Moreno's question regarding if the Cook County State's Attorney's Civil Actions Bureau had ever initiated action on behalf of the County's taxpayers against the State of Illinois for reimbursement of the costs associated the mandatory housing of state inmates in the county jails, Pat Driscoll stated the county has not filed any suit generally because the State of Illinois is not a suitable entity to sue in a circuit court.

Mr. Driscoll said it would be more suitable for the county to seek reimbursement from the state under the statutory provision reference by the Sheriff's office, which sets forth the procedures and authorizes the County Sheriff to certify to the County Treasurer the number of days persons have been detained in the custody on non-probational offenses and where there is a no bail case. He stated the County Treasurer would then notify the Supreme Court who would reimburse the county (up to \$50 for each day a person is held on a no bail court order) but only if the state legislature appropriates funds in that fiscal year to cover the reimbursement expenses.

As a point of information, Chairman Moreno noted that the President's Office has been looking at this particular issue, in terms of its fiscal impact on the County's public safety budget, and may be seeking to secure such budgetary appropriations next year during the Spring legislative session.

The Chairman asked that the following request be submitted to the Chair for future consideration and that a copy be given to the Secretary to the Board's Office for the record:

Chairman Moreno requested that the State's Attorney's Office provide detailed statistics on the current 1,467 parole hold cases, including whether the number of new cases with active warrants, no bail or alternative release orders attached to the case.

The Chairman then proceeded to third item on the agenda

3. Office of the Illinois Department of Corrections (IDOC).

Chairman Moreno called on a representative from the Illinois Department of Corrections to address the status of information previously requested by the committee (ref. Attachment 3).

Roberta Fewes was recognized for the record and asked if she had received a copy of the letter directed by the Chairman to the IDOC's Associate Director, Mr. George DeTella, that reiterated the questions requested at the May 23, 2001 meeting. Ms. Fewes responded stated she had not been given a copy of the letter.

Chairman Moreno informed Ms. Fewes of the discussion that took place at the last meeting which focused on the Illinois Department of Correction's (IDOC) newly implemented aggressive parole enforcement policy in Cook County, known as "Operation Windy City".

Roberta Fewes responded to the Chairman's comments by explaining the department's new parole initiative referred to as "Operation Windy City" and current policy revisions relating to state inmates who violate their parole agreement.

Ms. Fewes stated in conjunction with Cook County the department has initiated improvements in its response to parolee arrests by local law enforcement agencies. She stated the department has increased the number of parole agents in Cook County who are on call 24 hours a day. She said these changes have created a quicker response to initial arrests, which allows evaluations to take place at local police stations and the transfer of parole violators back to IDOC's Joliet facility immediately in order to bypass parolees placement in the Cook County jail.

Ms. Fewes continued by stating that the IDOC is currently in meetings with various county officials/agencies and is assisting in the discussion for the purpose of finding an agreed upon solution to the situation. She assured the Committee that the Illinois Department of Corrections has and would continue to stand ready to work with the judiciary, state's attorneys, and county officials on their concerns involving the IDOC's parole enforcement policies.

In response to Chairman Moreno's question regarding figures on the number of IDOC inmates on parole and the parole agents IDOC has to monitor those inmates, Ms. Fewes stated there are 29,000 IDOC inmates currently on parole and 368 parole agents, of which 240 work in Cook County. She also noted that the department issued 22,000 warrants in fiscal year 2001.

In addition, Ms. Fewes gave figures on the number of new sentence violators who were transferred from the Cook County Department of Corrections (CCDOC) facility to the IDOC. She stated in fiscal year 2000 (which ended June 30, 2001) there were 2851 new sentence violators admitted from Cook County to the IDOC and in fiscal year 2001 (which started July 1, 2001) there were 2626 new sentence violators admitted from Cook County to the IDOC. She said the figures she cited were based on the number of transfers from Cook County to the Joliet-RNC facility, only.

Ms. Fewes stated the only information the department received from Cook County was in the form of a report, titled "Cook County Department of Corrections-Inmates with Parole Violations" dated July 2001. According to the report, there were 1,199 parole inmates with active parole holds housed in the CCDOC facility, of those 971 had parole holds from the IDOC, 83 had parole holds from other agencies and 149 had no holds.

In terms of technical parole violators, Ms. Fewes stated all technical violators are currently being transferred to the IDOC and are not being housed in the CCDOC.

In response to Chairman Moreno's question regarding if the State reimburses any county for its costs associated with housing state inmates or those held without bond, Ms. Fewes stated she did not have any information regarding the issue.

In response to Commissioner Butler's question regarding who is responsible for contacting the IDOC, Ms. Fewes stated when parole violators are arrested in the suburban areas, the operation center usually notifies IDOC when warrants are entered in the LEADS system. In the City of Chicago, notification usually is given by the Chicago Police Department. She said once notification is received by the IDOC, the department sends a parole agent to begin the evaluation of the violation based on the condition of the violator's parole and if there are no new charges, the parolee (referred to as a technical violators) is transferred back to the IDOC.

As a follow-up on Commissioner Butler's question, Ms. Fewes noted in fiscal year 1999 there were 1,078 technical violators, in fiscal year 2000 there were 1600 technical violators and in fiscal year 2001 there were 5646 technical violators returned to IDOC facilities. Ms. Fewes said these figures reflect improvements the IDOC has made in its new parole enforcement strategy in attempting to bypass the placement of parole violators in the county's facilities.

In response to Commissioner Butler's question regarding the length of time it takes to evaluate and then transfer a technical violator back to the IDOC, Ms. Fewes stated it depends on each case since each parolee is entitled to a hearing for probable cause.

In response to Chairman Moreno's question regarding the total capacity of beds available in the IDOC facilities versus the number of inmates currently held, Ms. Fewes stated she would have to get back to the committee with this information.

In response to Commissioner Quigley's question regarding if she was aware of any response by the IDOC to the Sheriff's proposed initiatives regarding alternative means of housing state parole holds currently held on new cases in the Cook County Department of Corrections facilities, Ms. Fewes stated she had no information pertaining to this matter.

In response to Chairman Moreno's question regarding if the state had a facility on Northwestern Avenue that might be available to detain state parole violators, Ms. Fewes stated she was not aware of any facilities currently available for this purpose.

Chairman Moreno requested the following information, in writing, from the Illinois Department of Correction:

- 1) Has the IDOC reimbursed any county for costs associated with the housing of state parole violators, or inmates held without bond in county correctional facilities?
- 2) What is the total capacity of beds available in the IDOC facilities and how many inmates are currently being held in its facilities?
- 3) What is the IDOC's response to the Sheriff's proposed initiatives regarding alternatives means of housing state parole holds currently in the Cook County Department of Corrections facilities, which were communicated to the department by the Cook County Sheriff at the May 23, 2001 meeting and also discussed at previous task force meetings initiated by Judge Biebel to assist in the discussion of solutions to address the legal and fiscal impact of the State's parole system on the public safety agencies and county criminal justice systems?
- 4) Is there any State initiative or current plan being discussed with a county official or agency regarding a means to release non-violent state parole violators while they await trial?

In addition, Chairman Moreno requested that answers to the questions asked by the committee, at its May 23, 2001 meeting, be submitted in writing to the Chairman's Office from the Illinois Department of Corrections, including written documentation to the claim that the number of parole violators held in Cook County Department of Corrections in has not increased since July 2000.

The Chairman then proceeded to fourth Item on the agenda.

4. Judicial Advisory Council (JAC).

Chairman Moreno called on a representative of the Judicial Advisory Council to provide an update on any legislative initiatives relating to overcrowding at the county jail (Attachment No. 4).

The Chairman recognized Kay Schroeder and asked if she could provide any information on legislative initiatives or coordination with state and county agencies in relation to the issues the county is faces, under the Duran case, with the recent overcrowding situation at the jail.

Ms. Schroeder stated that she was not aware of any initiative presently being considered that might lead to reimbursement of the county's costs as it relates to housing of state inmates in the county jail. However, she said Mr. O'Rourke asked her to inform the committee that Bill Quinlan, the Executive Director of the JAC, has been in communication with President Stroger and they are organizing a meeting of the Coordinating Council to discuss the issue. She explained the coordinating council is made up of all the heads of the county public safety offices and agencies, i.e. the Cook County Sheriff, Cook County State's Attorney, Cook County's Chief Judge,, Bureau Chief of Public Safety and the Judicial Advisory Council.

Chairman Moreno commented on his frustration with the lack of information provided to this committee regarding such meetings or any reports on the progress of these meetings

Chairman Moreno requested from the Judicial Advisory Council that a summary report of the coordinating councils meeting or minutes, if available, be forwarded to the Chairman's Office and a copy sent to the Secretary to the Board for placement in the committee's file for further discussion.

Chairman Moreno also requested information from the Judicial Advisory Council regarding any initiatives being made, on behalf of the county's taxpayers, to seek reimbursement from the State for the county's costs associated with the housing of state parole inmates or inmates held without bail in the Cook County Department of Corrections

The Chairman then moved to questions for the Judicial Advisory Council from the members.

Hearing none, the Chairman proceeded to the fifth item on the agenda.

5. Illinois Prisoner Review Board

The Chairman called on a representative of the Illinois Prisoner Review Board to provide any information on the subject matter.

Hearing no response, Chairman Moreno moved to new items added to the agenda.

6. John Howard Association - For Prison Reform

The Chairman called on Mike Mahoney to provide information to the committee relating to the Duran v. Sheahan et al. case in federal court and any recommendations to alleviate the overcrowding at the county jail (Attachment #5).

Mr. Mahoney distributed recent and average daily population figures at the county jail. He informed the committee that he had been appointed to monitor the Duran case in 1980 and has continued to do so over the past 20 years. He stated during that time he has found the two main problems in addressing the subject matter: 1) the lack of specific data on the inmates housed in the Cook County Department of Corrections, specifically inmates personal data (who they are, where they come from and what type of charge they are being held on), in and out data (arrival dates, release dates and length of time served in the county jail), and release information (state facility, drug and alcohol program (TASC), domestic violence program, electronic monitoring program, etc.); and 2) the lack of any long-term plan that the county's public safety agencies can coordinate and follow-up on to ensure that the county is not still discussing the overcrowding problem at the jail twenty years from now in 2021. He stated if the county did nothing else but focus on these two items, it would be serving its taxpayers and constituents better.

He stated other unintended consequences that affect this issue is what occurs in the Illinois Legislature. He said the county is very good at voicing its concerns on unfunded state mandates; however, it needs to improve its legislative and court advocacy in terms of penalty enhancement bills, state policy changes and rule changes by the Illinois

Courts. He also suggested some means to attach Cook County Department of Corrections notes onto legislation, similar to those placed on criminal bills by the Illinois Department of Corrections.

In response to Chairman Moreno's question regarding if there is a state agency or council that advocates on behalf of counties for their protection, Mr. Mahoney stated he would argue that the Illinois Association of Counties or the Urban Counties Council should be actively advocating for its members.

Mr. Mahoney said there is no quick fix to the overcrowding problem at the jail, and stated he agreed with Commissioner Butler's earlier comments regarding the situation being systemic with short and long-range factors that need to be first understood before solutions can be implemented. However, he stated there are some segments that should be looked at and corrected in the short-term.

One item raised in Judge Marovich's courtroom relates to individuals whose cases are resolved but are sitting in the county jail awaiting assessment or placement in a TASC program. He said the problem is bed space and the lack of substance abuse treatment funding, which he noted is a State responsibility through the Department of Human Services.

A second item he stated the county should look at were individuals with mental illness who do not qualify for the Sheriff's alternative release programs because there is no mental health component. He suggested that a mental health evaluation and service provision be added in the screening and service process for the Sheriff under contracts with mental health agencies. He noted the Threshold Program as a successful model the county should look at, which could evaluate and work with a small segment of the population in a release program.

A third item he stated relates to individuals sitting in the county jail with bonds less than \$1000. He said the Pre-Trial Service agencies should look at that segment of the population to see if any might qualify for release with supervision.

In addition, Mr. Mahoney stated the county should look at expanding the Sheriff's day reporting and electronic monitoring program, which he said were model programs nationally. Also he mentioned the county should explore discussions with the judiciary. additional options in alternative sentencing for the increasing number of inmates sitting in jail on misdemeanor and domestic violence charges.

He pointed out that when looking at solutions to reduce the population at the jail, the county should remember the plaintiff class under the Duran case is intended for is pre-trial detainees, not sentenced offenders. He stated the county's Boot Camp is a good example of a program that addresses the placement of sentenced offenders, who are not covered under Duran, and could be expanded or diverted by using the State's Boot Camp that is rarely filled to capacity.

Mr. Mahoney further commented that a short-time capacity change to explore is the conversion of a nursing home that sits next to Division XI and the parking lot, which

might be taken under eminent domain or purchased. He said he thought the building could easily be converted by erecting a fence and security screens and could operate at a minimum capacity of 300 to 350.

He said besides building or converting an existing building, the only other short-term capacity option the county might want to consider is to contract with private non-profit providers to provide work release bed space at an off-site facility for minimum security inmates. He noted this is what the State of Illinois does.

In response to Chairman Moreno's question regarding the Sheriff's proposal to have the State pay for the construction of a new facility or use an existing State facility in Chicago to house parole detainees and individuals held on no bond, Mr. Mahoney stated he convened a meeting between the Sheriff's staff and the IDOC. As a result, he said the IDOC is looking into dedicating one or two of its community operating centers as a violator facility.

In conclusion, Mr. Mahoney cautioned the committee not to rely on the Sheriff's or Judicial Advisory Council's figures on the county's costs for incarceration. He noted he has heard the same daily cost per inmate for seven years. He stressed getting accurate figures from all agencies and factors involved in order to ensure the county does not sell itself short in any attempts at reimbursement. He ended by repeating what Judge Marovich said in chambers at the last meeting held on the Duran case, quoting "Fiscal resources is not a defense of unconstitutional conditions in a correctional institution."

Commissioner Quigley made a brief observation, based on Mr. Mahoney's information, that with the fiscal constraints on the County's and State of Illinois's budgets neither is able to rush out and build a new correctional facility. He stated he believed it was time to re-assess and re-evaluate the laws and the courts' decisions involved that continue to place drug users and non-violent offenders in the county jail, which is where they serve their time due to the lack of state funding for release programs, such as TASC.

Commissioner Moran commented on the issue of the county's costs for providing services and stated he introduced a resolution calling for a \$25 inmate processing fee but has been unsuccessful in getting a co-sponsor.

As a follow-up to Commissioner Moran's comments, Chairman Moreno said he welcomed discussing the Commissioner's resolution if it moves forward at the next Board meeting. However, he said there are factors that appear to support the argument that the fee is not cost-effective and in the end, may result in costing taxpayers more money to collect.

Also in response to Commissioner Moran's comments, Commissioner Butler said he did not second or co-sponsor the Commissioner's resolution because the fee would create more problems than its worth. He stated it was similar to most of the initiatives on crime that get passed in the State Legislature, which ultimately do not solve the problem, but create new ones for someone else to pay for and manage.

Chairman Moreno requested that Mr. Mahoney provide information on private non-profit providers in Cook County, names of agencies who use these services and for what purpose, as well as how successful the contracted services have been in terms of the overall cost savings to the taxpayers.

Chairman Moreno asked Mr. Mahoney to provide his recommendation, in writing, to the Chair for the committees further consideration at its next meeting.

The Chairman then proceeded to the second new item on the agenda.

7. Cook County President's Office - Legislative Initiatives.

The Chairman then called on a representative from the President's Office to provide some information on the President's legislative initiatives relative to the problems the county is facing under the Duran case and the county lobbying efforts in Springfield relating to the subject matter.

Hearing no response, the Chairman asked Sandra Overberg, Legislative Coordinator for the Cook County Board, to respond.

Ms. Overberg said that she could provide the committee with information relating to what the President's Office and County Board has done over the past 10 years in Springfield on the issue, since she has been coordinating the county's legislative program for the President's Office from 1990 through 1994 and for the County Board since 1995.

In summary, Ms. Overberg first provided some historical information on legislation she referred to as "tough on crime" initiatives that stemmed from a national campaign ten years ago that called for stricter, harsher and more accountable criminal justice and penal systems across the country. She stated this "tough on crime campaign" resulted in a significant number of statutory changes in Illinois' Criminal Code. She noted over the past eight years, due to the increased passage of penalty enhancement laws, the county has seen a significant increase in the amount of time inmates remain in the county's jail and criminal courts' system. As a result, the county has been mandated to increase public safety funding in the County's budget for its correctional, courts and overall criminal justice system.

Ms. Overberg then briefly reviewed what the President's Office and Cook County Board has done in terms of its lobbying efforts in Springfield on this issue. She said over the past ten years the county has: 1) testified against the passage of legislation that mandated the county to provide services without passing on the funds to implement them (i.e. unfunded state mandates); 2) provided fiscal impact statements to the staff and legislative leaders on criminal bills (i.e. penalty enhancement initiatives) that have come before the House and Senate's Judiciary Committees, showing the county's estimated costs for implementing the proposed changes in state law; 3) requested State appropriations to assist the county in paying for costs associated with unfunded state mandates (i.e. criminal penalty enhancement laws); and 4) consistently, with the assistance of Metro Counties, made the argument to legislative leaders and the Governor's Office that the financial burden of subsidizing Illinois criminal justice and

public safety services have steadily increased on county government and its taxpayers, while state and federal financial assistance has continued to decrease.

In addition, she stated during the past Spring session, the President's staff initiated discussions with the Governor's staff regarding the need to increase the county's electronic monitoring program as one possible means to address the impact the State's new parole enforcement policy was having on the county's correctional facilities. At that time, she said the county made a request for financial assistance from the State for the purpose of sharing the cost of purchasing additional electronic monitoring equipment. However, this and other legislative initiatives were still pending when the General Assembly adjourned in May 2001. Ms. Overberg stated she was not aware of any response to the President's request for assistance or other action on the part of the state regarding this matter.

In conclusion, she said despite the county's best efforts, on behalf of its taxpayers, to secure financial assistance from the state for the county's costs associated with implementing mandated public safety and policy changes, legislation impacting the county's finances continues to get passed and signed into law because the argument for being "tough on crime" continues to win in the legislature, as well as with the public when it comes time to vote.

Ms. Overberg commented she believed what Chairman Moreno is attempting to do through the Committee's discussion of the issue and the coordination of gathering the facts/figures in order to find recommendations from elected officials and the John Howard Association, is to make the reports of this committee to the Board. Assuming the Committee is successful in producing a final report by the end of 2002, she stated this record of updated costs and coordinated information, in conjunction with agreed upon recommendations approved by the Board, will assist in improving the county lobbying efforts in Springfield during the 2003 Spring session. She noted the information should also provide the Board the information it needs to make necessary cuts and improvements in its funding of programs and services during the the 2003 budgetary process.

The Chairman then proceeded to the last new item on the agenda.

8. Judge Paul P. Biebel, Jr., Presiding Judge-Cook County Criminal Courthouse.

Judge Biebel stated to date he had hosted three task force meetings, comprised of various state and county public safety agencies, focusing on issues to improve the county's processes in criminal court and the overcrowding situation at the jail, and had participated in the meeting in Judge George Marovich's chambers on the Duran case. He noted the next task force meeting is scheduled for the third week in October, which will focus on looking at the statutory provision and legislative solutions.

Following the testimony and with no further discussion, Chairman Moreno thanked all the agencies for providing information to the Committee and stated the next meeting of the committee will be in the second week in January at the call of the Chair. The Chairman asked that all responses on information requested or any recommendation the agencies could provide to alleviate the problem be submitted, in writing, to the Chairman

and the President's Office for further consideration. He stated that information received by the Chairman's Office would be placed in the record, as part of the Chairman's report, for discussion at the next meeting of the Law Enforcement and Corrections Committee.

Commissioner Butler moved to adjourn the meeting, seconded by Commissioner Quigley. The motion carried and the meeting was adjourned.

Respectfully submitted by,
the Committee on Law Enforcement &
Corrections

Joseph Mario Moreno, Chairman

Attest:

Sandra K. Williams, Secretary